

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

David S. Bloch (SBN # 184530)
Leda M. Mouallem (SBN # 221258)
Winston & Strawn LLP
101 California Street, Suite 3900
San Francisco, California 94111-5894
Telephone: 415.591.1000
Facsimile: 415.591.1400
dbloch@winston.com
lmouallem@winston.com

Charles B. Molster, III
Winston & Strawn LLP
1700 K Street, NW
Washington, DC 20006
Telephone: (202) 282-5988
Facsimile: (202) 282-5100
cmolster@winston.com

Michael C. Katchmark
Willcox & Savage PC
One Commercial Place
Suite 1800
Norfolk, VA 23510
Telephone: (757) 628-5615
Facsimile: (757) 628-5566
mkatchmark@wilsav.com

Attorneys for Plaintiff
LEVEL 3 COMMUNICATIONS, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

In re: Third Party Subpoena Issued to GCA Savvian
Advisors, LCC

Related to:
LEVEL 3 COMMUNICATIONS, LLC,

Plaintiff,

vs.

LIMELIGHT NETWORKS, INC.,

Defendant,

Misc. Action No. 08-80161 SI
Related to 2:07cv589 (RGD-FBS)
In the United States District Court for
the Eastern District of Virginia

**LEVEL 3 COMMUNICATIONS,
NOTICE OF WITHDRAWAL OF
ITS MOTION TO COMPEL
COMPLIANCE WITH
SUBPOENA ON THIRD-PARTY
GCA SAVVIAN ADVISORS, LLC
PURSUANT TO FEDERAL RULE
OF CIVIL PROCEDURE 45**

DATE: September 3, 2008

TIME: 11:30 a.m.

JUDGE: Hon. Susan Illston

Pursuant to Local Rule 7-7, Level 3 Communications, LLC ("Level 3") hereby withdraws its Motion to Compel Compliance with Subpoena on Third-Party GCA Savvian Advisors, LLC Pursuant to Federal Rule of Civil Procedure 45 ("Motion"). Level 3 withdraws its Motion in order to conserve judicial and party resources as the parties have agreed to a date certain to conduct the depositions of the third-party witnesses that are the subject matter of the Motion prior to the discovery cut-off date in the underlying action. A true and correct copy of the parties' correspondence agreeing to the depositions is attached hereto as Exhibit A. Accordingly, the Motion is moot and Level 3 respectfully withdraws the Motion.

Dated: September 2, 2008

WINSTON & STRAWN LLP

By: /s/Leda M. Mouallem

Leda M. Mouallem
WINSTON & STRAWN LLP
101 California Street, Suite 3900
San Francisco, CA 94111-5802
Telephone: (415) 591-1000
Facsimile: (415) 591-1400

Charles B. Molster, III
WINSTON & STRAWN LLP
1700 K Street, NW
Washington, DC 20006
Telephone: (202) 282-5988
Facsimile: (202) 282-5100

Michael C. Katchmark
WILLCOX & SAVAGE PC
One Commercial Place
Suite 1800
Norfolk, VA 23510
Telephone: (757) 628-5615
Facsimile: (757) 628-5566

Attorneys for Plaintiff LEVEL 3
COMMUNICATINCS, LLC

SF:214786.1

EXHIBIT A

Mouallem, Leda M.

From: Weiss, Charles [CWeiss@kenyon.com]
Sent: Saturday, August 30, 2008 8:00 PM
To: McComb, Ethan; Guy Ruttenberg; amackinnon@kirkland.com; cbrahma@kirkland.com; Nick Saros; senoona@kaufcan.com
Cc: McCabe, Peter C.; Molster, Charles B.; Balesteri, Peggy M.; mkatchmark@wilsav.com; Bloch, David S.; Mouallem, Leda M.
Subject: RE: Level 3 v. Limelight

Gentlemen,

The case I had going to trial settled, so I am available. Thus, we will make Messrs Greenbaum and Orozco available for deposition in San Francisco on September 8 starting at 10:00 a.m. with Mr. Greenbaum.

Charles Weiss
Charles A. Weiss
Kenyon & Kenyon LLP
One Broadway | New York, NY 10004-1007
212.908.6287 Phone | 212.425.5288 Fax
cweiss@kenyon.com | www.kenyon.com

This message, including any attachments, may contain confidential, attorney-client privileged, attorney work product, or business confidential information, and is only for the use of the intended recipient(s). Any review, use or distribution by others is prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

From: McComb, Ethan [mailto:EMcComb@winston.com]
Sent: Friday, August 29, 2008 6:20 PM
To: Weiss, Charles; 'Guy Ruttenberg'; 'amackinnon@kirkland.com'; 'cbrahma@kirkland.com'; 'Nick Saros'; 'senoona@kaufcan.com'
Cc: McCabe, Peter C.; Molster, Charles B.; Balesteri, Peggy M.; 'mkatchmark@wilsav.com'; Bloch, David S.; Mouallem, Leda M.
Subject: RE: Level 3 v. Limelight

Charles and Guy:

Is there any possible way to resolve the scheduling issues relating to the deps of Mark Greenbaum and James Orozco (and/or Jens Teagan) so that we don't need to bother Judge Illston with the Motion to Compel next Wednesday -- *i.e.*, are there any dates upon which we could all agree?

Please let us know your thoughts.

Thanks,

Ethan

From: Mouallem, Leda M.

9/2/2008

Sent: Friday, August 29, 2008 12:52 PM

To: McComb, Ethan; 'cweiss@kenyon.com'; 'Guy Ruttenberg'; 'amackinnon@kirkland.com'; 'cbrahma@kirkland.com'; 'Nick Saros'; 'senoona@kaufcan.com'

Cc: McCabe, Peter C.; Molster, Charles B.; Balesteri, Peggy M.; 'mkatchmark@wilsav.com'; Bloch, David S.

Subject: RE: Level 3 v. Limelight

Counsel,

Attached please find a courtesy copy of the Northern District of California ECF notification stating the hearing date/time below.

Regards,

Leda Mouallem

From: McComb, Ethan

Sent: Thursday, August 28, 2008 5:44 PM

To: 'cweiss@kenyon.com'; 'Guy Ruttenberg'; 'amackinnon@kirkland.com'; 'cbrahma@kirkland.com'; 'Nick Saros'; 'senoona@kaufcan.com'

Cc: McCabe, Peter C.; Molster, Charles B.; Balesteri, Peggy M.; 'mkatchmark@wilsav.com'; Bloch, David S.; Mouallem, Leda M.

Subject: Level 3 v. Limelight

Please see the attached. Hearing on this matter is set for 9/3/2008 at 11:30 a.m. Pacific. The Judge hearing this matter is unavailable from 9/4/2008 to 9/18/2008 and from 9/23/2008 to 9/26/2008.

The contents of this message may be privileged and confidential. Therefore, if this message has been received in error, please delete it without reading it. Your receipt of this message is not intended to waive any applicable privilege. Please do not disseminate this message without the permission of the author.

Any tax advice contained in this email was not intended to be used, and cannot be used, by you (or any other taxpayer) to avoid penalties under the Internal Revenue Code of 1986, as amended.

9/2/2008